

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, May 28, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Paul Alpert, Stephen Farr, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Marc Bellaud, Sandy Brode, Patricia Carey, Lisa Daly, Tom Daly, Hank Rich Kirby, Ron Lopez, Steve Popper, Brandon Riley, Michelle Rogers, Steven Ventresca, Michael Walsh

P. Alpert opened the public meeting at 7:37 pm.

MISCELLANEOUS BUSINESS

MINUTES

Motion to approve the minutes of May 14, 2015, as amended, by S. Farr, seconded by P. Oehlkers, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES

WALKER/GORDON FIELD UPDATE – NEEDHAM LAND TRUST

M. Varrell reported that the Needham Land Trust had visited the site and had a few issues including: (1) Grass clippings have been deposited within the 25-foot Buffer Zone near the sundial; (2) It appears that a couple of trees at the edge of the pond were cut; and (3) There are questions regarding the limit of mowing in order to leave a “natural” buffer.

M. Varrell described that he had met with Ed Olsen from the Parks & Forestry Division. Ed Olsen explained the Town mows in a way that they don’t collect grass clippings. The clippings must have been left there by an abutter. Ed Olsen will see that the clippings are removed. P. Alpert stated that when he had visited the site he noted mowing was done past the 25-foot Buffer Zone. P. Alpert added that Dr. Lisa Standley had told him, based on the vegetation, possibly portions of the wetland had been mowed. M. Varrell showed photos from his site visit and P. Alpert noted the more recent mowing appears to be further away from the wetland.

M. Varrell explained that certain trees had come down last year during a “microburst” and were thrown towards the field where they were hanging over the grassy area. M. Varrell had spoken to Ed Olsen and gave him direction to trim the overhang back to the tree line. They were supposed to leave the stump and not “flush cut” it as they did. Ed Olsen apologized and stated there must have been a miscommunication between he and his crew. He noted that they had planted approximately one dozen trees in the vicinity to replace those lost during the storm. Ed Olsen had stated to M. Varrell that he would be happy to meet with representatives of the Land Trust on-site or any other site where they may have maintenance questions.

P. Alpert asked M. Varrell if it was stated in the Order of Conditions for the Walker/Gordon Field what the limit of mowing was to be. M. Varrell stated it did not. P. Alpert stated that if the Parks & Forestry Division is interested in mowing the area in the 25-foot Buffer Zone that they come and request a minor modification to their Permit to allow it. M. Varrell stated the Order is closed.

1 ELIZABETH CIRCLE

M. Varrell stated that perhaps there was a miscommunication at the previous meeting where he thought the fine was to be issued if the violator did not file for an after-the-fact Permit within the next few days, which it has. No fine has been issued at this point. The project will be on the Agenda for June 11th Meeting. The Commission agreed to discuss the issuance of the fine at the hearing.

HEARINGS

NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS PROJECT – REQUEST FOR AMENDED ORDER OF CONDITIONS (DEP FILE #234-726)

Applicant: Edward Olsen, Superintendent – Needham Parks & Forestry Division

Project: The approved project has two components:

1. Field Complex Improvements: includes re-grading existing field areas, soil amendments for improved turf performance and play, drainage and stormwater management improvements, installation of associated infrastructure, and vegetation management.
2. Eastman Conservation Area/ Wetlands Resource Area Improvements: To enhance outdoor environmental learning, the project will replace deteriorated boardwalk and deck systems with new ADA compliant boardwalks, at-grade trails, overlooks, piers, interpretive signage, and related enhancements. The new boardwalk areas will utilize helical piles exclusively for support above wetland areas.

Present for the Applicant: Brandon Riley, Weston & Sampson

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents, received February 13, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received February 13, 2015
- ❑ Plans entitled (received February 13, 2015): “Plans for the Construction of Newman Playing Fields and Eastman Conservation Area Improvements Project” (27 Sheets), prepared by Weston & Sampson, stamped and signed by S. Roger Alcott, P.E. No. 41254, dated February 2015.
- ❑ Stormwater Report, prepared by Weston & Sampson, stamped and signed by S. Roger Alcott, P.E. No. 41254, dated February 12, 2015.
- ❑ **Revised Notice of Intent Application (received March 18, 2015) under the MA Wetlands Protection Act and the Town of Needham General Wetlands Protection By-law, prepared by Weston & Sampson, dated February 12, 2015 (revised March 18, 2015).**
- ❑ Plans entitled (received March 18, 2015): “Plans for the Construction of Newman Playing Fields and Eastman Conservation Area Improvements Project” (29 Sheets), prepared by Weston & Sampson, stamped and signed by S. Roger Alcott, P.E. No. 41254, dated February 2015 (Revised March 18, 2015).
- ❑ Plan entitled (received March 26, 2015): “Sheet Number E-L2.00 Eastman Erosion and Sedimentation Control Plan”, prepared by Weston & Sampson, stamped and signed by S. Roger Alcott, P.E. No. 41254, dated February 12, 2015 (Revised March 26, 2015).
- ❑ **Letter from Brandon Riley of Weston & Sampson RE: Response to DEP Letter Regarding NOI Submission Newman Fields and Eastman Conservation Area Improvements Project, dated March 26, 2015**

P. Alpert opened the public meeting at 7:48 p.m. Brandon Riley of Weston & Sampson represented the Applicant.

M. Varrell explained the permitting for the Project was complete, however; DEP did not feel the proposed project met all of the performance standards and issued an Appeal Letter. M. Varrell has been in touch

with DEP and they stated the Appeal was essentially a place holder to allow the Applicant to go through this Amendment process and get to the point that DEP is satisfied. DEP's Appeal will then be withdrawn. The two issues DEP had problems with included: (1) They did not feel enough mitigation was proposed due to the shading impacts and (2) They require more detail on the alternatives analysis for the boardwalk supports. They would prefer the use of helical piles instead of the proposed sleepers.

Brandon Riley stated they had made the revisions that DEP had requested including: (1) accounting for the shading impact by increasing the size of the proposed mitigation area; and (2) helical piles are proposed instead of the sleepers. An alternatives analysis was performed including looking into "wood piles" and diamond piers. The use of helical piles was an add alternate during the bid and that is the current construction specification.

P. Alpert asked if these modifications to the project will satisfy DEP. M. Varrell stated he had spoken with the analyst at DEP earlier and they approved of the modifications.

Motion to close the public hearing for the NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS (DEP FILE #234-726) by S. Farr, seconded by P. Oehlkers, approved 5-0-0

Motion to issue an Amended Order of Conditions for the NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS (DEP FILE #234-726) by S. Farr, seconded by P. Oehlkers, approved 5-0-0

86 PILGRIM ROAD – *continued* NOTICE OF INTENT (DEP FILE #234-734)

Applicant: Joel Kent

Project: The proposed project consists of the construction of a 1,200 square foot addition and 112 square foot deck to an existing single-family residence within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Inland Bank. Portions of the proposed project are located in the 25-foot Buffer Zone. Installation of mitigation plantings are proposed.

Present for the Applicant: No one

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received April 9, 2015
- Needham Wetlands Protection Bylaw Application for Permit received April 9, 2015
- Plan entitled: "Site Plan, 86 Pilgrim Road, Needham, MA." prepared by H. S. & T. Group, Inc., stamped and signed by Hossein Haghanizadeh, P.E. No. 42529 and Daniel Tivnan, P.L.S. No. 40047, dated 5/4/2015.
- Documents titled "86 Pilgrim Road, NOI Submittal – Additional Information", dated May 5, 2015.
- Planting Plan, received May 14, 2015.

P. Alpert opened the public meeting at 8:00 p.m. M. Varrell stated the Applicant had requested a continuance to the June 11, 2015 meeting.

Motion to continue the public hearing (at the request of the Applicant) for 86 PILGRIM ROAD (DEP File #234-734) to June 11, 2015 at 8:00 p.m. by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

OTHER BUSINESS

REQUEST FOR EXTENSION PERMIT – SABRINA LAKE AQUATIC MANAGEMENT PLAN (DEP FILE #234-529)

Marc Bellaud of Aquatic Control Technology represented the Applicant. He explained that they had come before the Commission in 2013 to Amend the Order of Conditions to allow the usage of some new products to help remove phosphorus from the lake. The change has been positive with a reduction in phosphorus levels. They are asking for an Extension of the Permit to continue the monitoring and treatment protocols that have been in place for over 20 years.

P. Alpert noted the original Permit was issued in 2008 and the Permit Extension Act extended it through 2015. The Bylaw allows the Commission to extend the Permit for up to the three years requested. S. Soltzberg asked if anything has been done upstream. M. Bellaud mentioned that the area upstream in Wellesley is a high phosphorus source and they have been approached on several occasions by the "Friends of Sabrina Lake" to lower their phosphorus use. M. Varrell stated that the EPA is looking to further regulation in the future regarding phosphorus removal. S. Farr asked if the Commission receives notification when they will be conducting a treatment. M. Bellaud stated they get a site specific DEP Permit each year that is sent to the Commission. Annual reports are sent to the Commission as well. M. Varrell stated a few of these reports could not be located and M. Bellaud emailed them to him.

Motion to issue an Extension of the Order of Conditions for the SABRINA LAKE MANAGEMENT PLAN (DEP FILE #234-529) for three (3) years by S. Farr, seconded by P. Oehlkers, approved 5-0-0

REQUEST FOR A MINOR MODIFICATION – 3 MARY CHILTON ROAD (DEP FILE #234-615)

Mike Walsh of Horticultural Concepts represented Tom and Lisa Daly, the homeowners. Orders of Conditions were issued for this property several years ago. M. Walsh explained that the malfunctioning of a culvert beneath Great Plain Avenue caused flooding into the backyard at 3 Mary Chilton Road. When the Town came to repair the culvert they encountered a retaining wall on the property that had been installed without a Permit. They should have at least got a Permit through the Building Department to build a wall as tall as this is. A corner of the existing wall is located slightly within the 25-foot Buffer Zone. They are proposing to relocate the wall completely outside of the 25-foot Buffer Zone; in addition, they now have construction details of the wall. A fence and lawn are located within the 25-foot Buffer Zone.

M. Varrell asked the Commission to determine if there is a "line" between what can be approved as a Minor Modification or what requires an Amendment to be approved.

The proposed modifications include four (4) phases including:

1. Change the location of the deck stairs, a new deck would be constructed on the same posts and would be slightly larger, the wall will be re-built "properly". The patio is proposed to be repaired beneath the deck. This work is closest to the resources.
2. Phase 1 plus re-build walkways, install a fence, re-install the lawn and install native plantings in the front yard and expand and repair the driveway.
3. Phases 1 and 2 plus installation of a 6 x 8 foot landing and new door to the house to access the upper landscape. (S. Farr would like dimensions on the plan)
4. Phases 1, 2 and 3 plus turn the lawn in the lower area into a patio inside the fencing. The patio will be permeable. (S. Farr indicated the patio, as proposed would extend to within the 25-Buffer Zone). (M. Walsh withdrew his request for approval of Phase 4)
5. Phases 1, 2, 3, 4 and 5 plus planting inside the 25-foot Buffer Zone and Japanese knotweed control with foliar application of 2% glyphosphate. (S. Soltzberg is okay with the proposed planting list)

M. Varrell stated that revised, more detailed plans need to be submitted. The Commission voted to approve the Minor Modifications but M. Varrell will hold onto the approval letter until the revised plan is

received. M. Varrell noted it would be helpful to receive reports regarding the invasive species removal efforts. M. Walsh will provide reports (M. Varrell to Condition in approval letter)

Motion to issue a Minor Modification approving Phases 1-3 and 5 for 3 MARY CHILTON ROAD (DEP FILE #234-615) released pending submittal of revised Plans as discussed by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 15-17 BIRCH STREET (DEP FILE #234-696)

M. Varrell stated that two Notices of Intent (NOIs) had been filed for this project. The first NOI and subsequent Order of Conditions issued were for the demolition of the existing structure and the second NOI and subsequent Order of Conditions issued were for the new structure. No issues were noted for the demolition.

Motion to issue a Certificate of Compliance for 15-17 BIRCH STREET (DEP FILE #234-696) by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 15-17 BIRCH STREET (DEP FILE #234-709)

M. Varrell stated that two Notices of Intent (NOIs) had been filed for this project. The first NOI and subsequent Order of Conditions issued were for the demolition of the existing structure and the second NOI and subsequent Order of Conditions issued were for the new structure.

M. Varrell noted a few small deviations from the approved Permit including: (1) the approved plan called for installation of two 500 gallon drywells but one 1,000 gallon drywell was installed instead; and (2) additional pervious pavers were installed to connect a walkway and the driveway.

M. Varrell reported the site is stable and sodded. He had no issues.

Motion to issue a Certificate of Compliance for 15-17 BIRCH STREET (DEP FILE #234-709) by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

PERMANENT PUBLIC BUILDING COMMITTEE INFORMATIONAL PRESENTATION – HILLSIDE SCHOOL FEASIBILITY STUDY

The project manager, Michelle Rogers from Dore & Whittier Architects introduced the members of her team including: Steven Ventresca and Sandy Brode of Nitsch Engineering and Rich Kirby from LEC. M. Rogers explained the purpose of this informational presentation is to go over two main sites for the school including the Hillside School site and the DeFazio Field site. The DeFazio site includes two options, the east side and the west side. M. Rogers stated they would also like to discuss the High Rock School site in case there was the possibility of a sixth grade school at that location.

The team presented the various proposed locations and options to the Conservation Commission and discussed the different possible impacts to the wetland resources at the different locations. Steve Popper and Hank Haff from the Town of Needham Public Facilities Division were present for the discussion. M. Rogers thanked the Commission for their valuable input at this very early exploratory stage.

The Conservation Commission meetings are recorded and this lengthy presentation is available for review if requested.

Motion to adjourn the meeting by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

The meeting was adjourned at 10:00 pm.

NEXT PUBLIC HEARING

Thursday, June 11, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.